THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.219 OF 1997

DATED: 04-04-2006

BETWEEN

P. Prameela,

W/o. Nageswara Rao,

Manguvari Street,

Srikakulam and others.

...PETITIONERS

AND

The State of Andhra Pradesh,

Rep. by its Secretary, Housing,

Municipal Administration and

Urban Development (M1)

Department, Secretariat Buildings,

Hyderabad and another.

...RESPONDENTS

ORDER:

Petitioners are owners of various extents of plots in Srikakulam Municipality. They have undertaken constructions in their respective plots after obtaining permission from the concerned in accordance with the approved plans except a minor alleged irregularity said to have been committed in violation of the building rules. The Government of Andhra Pradesh

issued G.O.Ms.No.243, Municipal Administration, dated 22.05.1996, fixing the amounts for regularization of unauthorized constructions. The petitioners contend that the stipulation of regularization fee, for the category into which, the Srikakulam Municipality falls, is exorbitant and on the higher side. They plead that the amounts are almost expropriatory in nature.

In the counter affidavit filed on behalf of the respondents, it is stated that the unauthorized constructions are liable to be demolished, and instead, the Government has come forward with a scheme of regularization and no exception can be taken to it.

Heard the learned counsel for the petitioners and the learned Government for Housing and the learned Standing Counsel for the Municipalities.

Basically, the regularization of unauthorized construction itself is opposed to the scheme, under the A.P. Municipalities Act.

The constructions are required to be made after obtaining permission, and in the process, it is to be ensured as to whether requisite setbacks are given. For reasons beast known to it, the Government has come forward with a proposal, to regularize the unauthorized constructions. If the petitioners want to derive any benefit out of it, they have to abide by the provisions. In case, it is causing any hardship, necessary representations need to be made. The petitioners cannot have the benefit of continuing the unauthorized constructions, on the one hand, and withholding of the amounts, stipulated thereunder, on the other hand. At any rate, this Court cannot sit as an appellate authority,

to decide the declaration of the amount, fixed by the Government. The petitioners can make appropriate representations in this regard,

to the concerned authorities.

For the foregoing reasons, the writ petition is disposed of, leaving it open to the petitioners to submit appropriate representations to the concerned authorities, by depositing half of the amount, indicated in the G.O., as well as in the demand notices, within four weeks from today. In case, the amount is not paid, it shall be open to the respondents to take necessary action. There shall be no order as to costs.

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V. ESWARAIAH, J

April 4, 2006

DSK